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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,508	10/17/2001	David Thompson	BRDC:037	7213

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EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/982,508

Applicant(s)

THOMPSON ET AL.

Examiner

Gertrude Arthur-Jeanglaude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Claim Objections

Claim 11 is objected to because of the following informalities: Apparently, the word "communicatedly" at line 5 of claim 11 should be - - communicatively- -.

Appropriate correction is required.

Also after the claim there should be a period to indicate the end of the claim.

Replace the semicolon with a period.

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear as to what is "better optimizes".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrol (U.S. Patent No. 6,654,360) in view of Mahany (U.S. Pub No. 20040077352).

As to claim 1, Abrol discloses a wireless communications network (402) as shown in fig. 4, comprising: a wired network; (via cable 104; see col. 6, lines 8-27); a wireless channel (122) (see Fig.3); a server computer (102) as shown in Fig.1 connected to the wired network ; an e-mail server connected to the wired network and communicatively connected to the server computer (See col. 2, lines 11-16); a wireless packetized data communications provider equipment connected to the wired network; a client device (subscriber) communicatively connected via the wireless channel to the wireless packetized data communications provider (See Fig.2); an e-mail application operable at the client device; (col. 3, lines 19-33); and an interface (416) as shown in Fig. 4 communicatively connected to the server computer and the e- mail application. Abrol does not specifically disclose an interface reducing a number of communications between the server computer and the client device over the wireless channel by limiting an extent of a data communicated from the server to the client device in respect of and representative of an e-mail. In an analogous art, Mahany discloses a data transceiver module for digital data communications in a portable hand held data terminal wherein it discloses an interface with capability for limiting a number of communications between the server and the client are reduced over wireless channel by limiting an extent of a data communicated from the server to the client device (See paragraphs 0004, 0161, 0163). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Abrol with that of Mahany by having an interface reducing a number of communications between the server computer and the client device over the wireless channel by limiting an extent of a data communicated from the

server to the client device in respect of and representative of an e-mail in order to maximize the performance of data transmission.

As to claims 2-7, Abrol discloses the wireless communications network application as disclosed is a standard e-mail wherein the e-mail client software residing on the client device and complying with standard e-mail messaging formats and protocols; and wherein the e-mail server communicates over the network with the server computer via conventional network protocols; the e-mail application and the server computer each communicate with the interface (See col. 6, lines 8-16) and wherein the wired network is the Internet (See col. 5, lines 11-22) and wherein the wireless channel is a cellular packetized data system wherein the wireless channel is a CDPD system (See col. 6, lines 34-45).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Abrol (U.S. Patent No. 6,654,360).

As to claim 8, Abrol, discloses a method of wireless communications comprising the steps of serving a first message to a server computer over a network according to standardized protocols; serving the first message to an interface over the network according to optimized protocols; and translating the first message at an interface to format the first message for use by an e-mail application at a client device (See Fig. 2; col. 5, lines 11-22).

As to claim 9, Abrol discloses the step of serving to the server computer is performed using TCP/IP(See col. 5).

As to claim 10, Abrol discloses the first message is served by the server computer to the interface via a wireless channel and optimized protocols (See col. 6, lines 34-42).

Claims 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahany (U.S. Pub No. 20040077352).

As to claim 11, Mahany discloses a wireless communication network, comprising a server; a client; an interface wirelessly communicatively connected to the server and communicatedly connected to the client, comprising a wireless data receiver; a wireless data transmitter; a limiter, connected to the wireless data receiver and the wireless data transmitter (See paragraph 0020, 0028, 0075, 0148, 0159).

As to claim 12, Mahany discloses the limiter is selected from the group consisting of :filter to be communicated wirelessly from the server to the client, selector of data to be communicated wirelessly from the client to the server, controller of the server to limit

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data communicated wirelessly from the server to the client, controller of the client to limit data communicated wirelessly from the client to the server, and discriminator of data, data types, data packet size, data quantity, data packet header, data packet identifier, or data packet content (See paragraph 0159) .

As to claim 13, Mahany discloses a method of limiting bandwidth usage in wireless communications comprising the step of serving select portions of data to a client over a wireless communications channel (See paragraph 0002, 0233).

As to claims 14, 16, Mahany further discloses the step of interfacing with a standard client device (portable hand held terminal; see abstract).

As to claim 15, Mahany discloses a method of limiting bandwidth usage in wireless communications, comprising the step of discriminating data to be wirelessly communicated; and limiting data actually wirelessly communicated based on the step of Discriminating (See paragraphs 0002, 0233).

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wiley David can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAJ

July 13, 2005

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUE
PRIMARY EXAMINER